

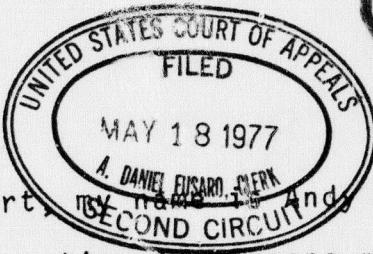
*United States Court of Appeals  
for the Second Circuit*



**SUPPLEMENTAL  
BRIEF**



76-7176  
DINKO V. WALL ET AL.



Honorable Justices of this Court, plaintiff-appellant, in this appeal and acting in persona pauperis, individually and in behalf of my brother members of the National Maritime Union of America.

I have been a union member for OVER thirty years and in the past two elections have been an unsuccessful candidate for the position of National President of this union. I commenced this action seeking relief from the Courts because of the nature of union activities conducted by the present union leadership. I believe in working within the system to correct the injustice and inequities that is presently operating within the union leadership against the best interests of my union members.

My past political and legal activities have gotten me beaten up for a twenty seven day stay in the hospital and shot, in order to silence my constitutional right to relief for the wrongs being done. My sole recourse at the present time is with you, the Court, to allow me the right to present my case.

My brief submitted to this Court, I believe, gives a full view point of the facts and points of law of my case, so I will briefly try to review SOME for this Court.

I have been charged with lacking "good cause" to bring this suit pursuant to Section 501 (b) of the LMRDA. My adversary has implied my charges have been wild and unsubstantiated because

I would not document them in an examination before trial, nor specifically name witnesses. Regarding the witnesses I named in my application, all such persons were contacted and persuaded to change their testimony convenient to the union leadership position, with the exception of Frank Arnold and myself. The previous Court on appeal realized the difficulty of establishing facts and issues without permitting a plaintiff the opportunity of a discovery hearing and the right of cross-examination "where there are numerous allegations in the complaint to which defendants offered a number of varying responses." The defendants appelees had the right of pretrial discovery but I, the plaintiff, herein, have no such right until leave to file a complaint has been granted, nor have I ever been granted a hearing of any kind.

JUDGE WERKER IN HIS OPINION #43993 PAGE 2 OF MARCH, 1976 STATED THAT A HEARING WAS UNNECESSARY AND THERE WAS NO HEARING HELD AT ANY TIME.

In a companion case Morrissey v. Curran, 73 Civ 204, presently pending which alleges somewhat similar allegations but not completely in its entirety, similar questions were asked of the plaintiff as I alleged in my case (see page 15 & 16 of my brief) and the plaintiff gave almost similar answers as I was obligated to do at my examination before trial.

Charges which I alleged in my complaint here have been proven as true in the Morrissey case yet many more exists which have not been given a fair and open forum. It is significant to note that the April 1977 issue of the Pilot, Vol XLII, No.4 at page 17 indicates that the plaintiff in that case James M. Morrissey received approval of an age pension from the Union which will undoubtedly

"Terminate" further continuance of his litigation against the Union. This is a further reason why I have asked this Court in my request for relief, the right to intervene in that action, so that the best interests of the Union membership may be preserved.

Opposing counsel seeks to deprive me of the alternative relief to intervene in that action by his concern for judicial economy at the expense of the Union membership.

I think the time has come for this court and the Country to realize that we can no longer afford the luxury of back room deals, union arrangements made at the expense of its members, without full and open disclosure of books and records. The present administration in Washington has upheld the people's right to know how their destinies are being handled. I feel this right to know what is going on, also extends to the working union membership whose severance pay has been eliminated but whose union officials still continue to receive million dollar pensions and huge severance pays. This is not just rhetoric or scuttlebutt.

It has already been established that the President of the United States is not above the law but are not National Maritime union officials equally answerable to their working union members?

One of the reliefs I ask is that a Watch Dog committee of rank and file members whose immediate interests are at stake be set up to supervise the disbursement of union funds and allocation thereof.

Such a relief is not an unusual request in that it has been asked for in the management practises of Central Intelligence Agency, the Federal Bureau of Investigation, and the City of New York by the banking community. None of the union committees in control of union funds consist of any rank and file members but are composed solely of union officials who arbitrarily dictate how the union treasuries are disbursed.

Recently one teamster local has been forced into judicial receivership by Justice Pratt because of financial irresponsibility and mismanagement of union funds. The President of International Brotherhood of TEAMSTERS UNION, Mr. FITZSIMMONS has also recently been forced into retirement due to possible alleged financial irregularities and mismanagement of union funds.

Are the laws passed by Congress to protect the working man of the United States to be circumyanted by powerful Union leader officials who pirate union funds to purchase the finest legal counsel to circumvent the law and extend litigation indefinitely until union treasury funds are dpleted? I have been involved in lengthy litigation for the past years until my financial resources were gone and I was required to sue as a poor person. However I still believe in the justice and humanity of America and so do the thousands of the union members who I represent that our case will be heard and a hearing on the merits according to the adversary system will be granted. AND THAT THIS APPEAL BE GRANTED IN THE BEST INTEREST OF THE MEMBERS I REPRESENT AND MYSELF. I BEG FOR THIS RELIEF  
Thank you for consideration of my appeal herein.

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